

February 23<sup>rd</sup>, 2021

The United States Environmental Protection Agency (EPA)  
Office of the Administrator or Freedom of Information Officer  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Re: Freedom of Information Act Request

Dear Administrator or Officer:

This is a request under the Freedom of Information Act. 5 U.S.C. § 552.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we are requesting an opportunity to inspect or obtain copies of records/documents in possession of The United States Environmental Protection Agency (“EPA”) that relate to any and all asbestos operations and related work of the remediated asbestos-containing material from the 1930’s through the present, located at the former Carolina Asbestos Corporation, currently Metrolina Warehouse, LLC properties, 301 Depot Street, Davidson, NC, and residential properties in the West Davidson neighborhood and proximate areas in the town.

The following request is made in the context of the EPA, and related institutions/agencies to this matter, including but not limited to: the NC Department of Environmental Quality (“NCDEQ”); the Town of Davidson; The Division of Waste Management and DHHS’ Health Hazards Control Unit “coordinating with other state and local government agencies to manage risks at four different ongoing public works projects in the area surrounding the 301 Depot Street property. These projects are a Department of Transportation (“DOT”) road construction project, a Charlotte Mecklenburg water main project, and recently, a Town of Davidson sidewalk construction and park improvements. Lastly, the list shall include the Brownfields Program staff and the developer considering currently a proposal for redevelopment of the site.

Historically, the property was developed in the 1890s with a warehouse for a cotton mill; former operations: Linden Cotton Mill; Davidson Cotton Mill; and Carolina Asbestos Corporation (1930s-1960s).

Many years ago, in particular before 1984 to the present, the African American community raised awareness and concerns to the Town of Davidson officials about the impacts, exposures, deaths and health issues regarding the Carolina Asbestos Mill, which operated from 1936-1960. The building and grounds of the mill site, including a huge adjacent mound, are now termed the “Donut Hole” by NCDEQ. During the operational era, white substance floated in the air, landing on pedestrians and the properties of the surrounding community. A white milky liquid flowed from the mill site into the streets bordering the property and into the creek, since the origins of operations. This substance still appears today. To date the community continues to be exposed to asbestos.

Specifically, we request all records related to Carolina Asbestos Corporation (1930s-1960’s) until the present 2021 Metrolina Warehouse site facilities. This same request is for records pertaining to 2016/2017, including 93 residential properties near the warehouse, as well as records pertaining to 2020/21 and expanded sites inspections and other sites in the Town of Davidson. These records and documents may be related to abatement, removal, demolition, cleanup, or other asbestos-related work (including but not limited to any agency assessments, monitoring, inspections, investigations, consultations, medical surveillance, site violations, recommendations, notices, orders, or fines), conducted at or related to. The “Donut” is the residential area surrounding the former

Carolina Asbestos Corporation site. The “Donut Hole” is the former Carolina Asbestos Corporation property located at 301 Depot Street.

For purposes of this request, “records” means information of any kind, including writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), draft documents, letters, memoranda, correspondence, notes, telephone conversations, telefaxes, e-mails, documents, data bases, drawings, graphs, charts, photographs, minutes of meetings, meeting logs, call logs, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the EPA, whether they are located in the main office, in regional offices and/or the Town of Davidson Office.

We request all verbal or written correspondence to or from Metrolina Warehouse, LLC including its agents or its related corporate entities, concerning asbestos at the warehouse facilities (this includes any legally required documents that were submitted concerning the Metrolina Warehouse facilities). In addition, we request all documents/public comments related to the permits that have been received by the EPA, including draft documents, letters, memoranda, correspondence, notes, documents, telephone conversations, telefaxes, e-mails, data bases, drawings, graphs, charts, photographs, minutes of meetings, meeting logs, call logs, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. This request includes all writings (handwritten, typed, electronic or otherwise produced, reproduced, or stored), all e-mails (including attachments) sent or received by any of the staff that may pertain to funding, if applicable, for the Town of Davidson. The request of all of the preceding is made if they are in the possession of or otherwise under the control of the EPA, whether they are located in the main office or in regional offices.

The specific list of requests is as follows:

1. All records concerning violations of laws and/or regulations related to worker, non-worker (community residents) health or safety related to asbestos and/or asbestos-related disease, including, but not limited to, the Occupational Safety and Health Act, at the facility during the relevant period, 1936-1960 – 2021. This includes, but is not limited to any agency assessments, consultations medical surveillance, investigations, site violations, recommendations, notices, orders, or fines, as well as the use of, testing, and/or manufacture asbestos-containing materials, etc.
2. All records concerning complaints related to worker health or safety related to asbestos and/or asbestos related disease at the facility and the community during the relevant period.
3. All records related to the Environmental Site Assessment at the identified sites. We request the opportunity to access, review, and copy any available files addressing or pertinent to environmental investigations, underground storage of the Donut, water systems, corrective actions, contaminant releases, incidents, spills, hazardous materials storage, citations, notices of violation, or other areas of concern at the above referenced properties.
4. All records of Brownfields applicants proposals and the current applicant plan modest repurposing of existing structures on the property inclusive of the new plan not requiring excavation of the disposal area, but a retaining wall, more clean soil and gravel fill, and a paved cap over the disposal area that will be used as parking. This includes records of plans presented by The Brownfields Program staff and the developer at a public information session on December 9, 2019.

5. All records related to emergency response, soil sampling, removal, prevention and preparedness branch tested material released from the property, determined as asbestos and removal; soils evaluation, abatements, remediation, inspection, demolition, clean up, containment work, air monitoring, and any projects concerning any asbestos present at, reported by, distributed to, monitored, maintained, replaced, inspected, remediated, contained, abated, and/or removal between November 1, 2016 through May 16, 2017 and the expanded area(s).
6. All records related to meetings held in 2016, in Davidson, where citizens once again voiced their concerns about the asbestos to a third developer, Miller -Valentine, and the NCDEQ's Brownfields Program. This includes all records of NCDEQ employee Carolyn Minnich, Brownfields Project Manager, who presented the citizens' concerns to the EPA after the agency tested material released from the property and determined it was asbestos. EPA discussed the plans for environmental remediation of the underground asbestos material at the Metrolina site and proposed a plan of immediate removal and soils evaluation at the warehouse site and residential properties near the Metrolina Warehouse. In September 2016, Miller-Valentine, the developer for the Metrolina Warehouse site, held a meeting with citizens who live adjacent to the site to discuss their plans for their proposed Davidson Depot project. At that meeting, the developer and a representative from the NCDEQ's Brownfields Program discussed the plans for environmental remediation of the underground asbestos material at the site. Many specific and detailed questions were asked about the remediation and construction processes. At that time, the developer was not far along enough in the planning process to be able to fully answer questions from citizens. It is our understanding they are working on that plan to share with citizens at a future meeting. Also, in that September meeting, concerns were raised by citizens about the impacts adjacent to the site, so the state requested the EPA's review of the area in Davidson.
7. All records related to November 2016- The NCDEQ and the Division of Waste Management directed Metrolina owners to establish measures to prevent erosion from the property, immediately, including information regarding longer-term measures by the owner to stabilize and cover the embankment where the erosion occurred.
8. All records related to November 1- May 16, 2017 and the EPA Emergency Response, which included removal, prevention and Preparedness Branch conducting soil sampling at 93 neighboring properties. Thirty-two (32) residential properties were tested and exceeded the EPA's health-based exposure limit resulting in the top one-to-two feet of asbestos-contaminated soil, marked the end of excavation, installed clean fill, and sodded the 32 properties.
9. All records related to December 15, 2016 whereby NCDEQ presented a process to re-stabilize the Metrolina Warehouse site, placing green silt fencing around the west side of the site along Sloan Street to contain any asbestos that might be released due to erosion or digging varmints. The owners of the property provided the installation of an improved soil cap over the disposal area, which is a temporary measure. The site redeveloped plans through the Brownfields Program to propose a permanent maintained hard cover.
10. All records of 2017 where the EPA sampled residential properties in the neighborhood for asbestos and removed asbestos-containing material (ACM) and asbestos contaminated soil from properties with ACM, and soil analytical results above the EPA risk-base, and site-specific actions.
11. All records related to May 15, 2017 - August 22, 2017 where approximately 6,204 tons of asbestos-contaminated waste was removed and disposed of at an EPA-approved landfill.
12. All records related to January 2017 where an interim process to secure the Metrolina Warehouse site was completed until a more permanent engineered process could be determined.

13. All records related to January 25, 2018 where property owners were sent letters from the EPA stating the removal work was complete and that “No Further Action” was needed for their properties.
14. All records related to the department's Division of Waste Management hosting of a public information meeting on January 13, 2020, where a plan to manage the asbestos issue and promote awareness in the community was discussed, an “Asbestos Watch Area” proposed to monitor and manage soil disturbances in the neighborhood. In response to community concerns at the January 2020 meeting, NCDEQ and EPA announced having expanded the asbestos-soil sampling area in the neighborhood surrounding the former Carolina Asbestos Company site.
15. All records related to proposing an “Asbestos Watch Area” to monitor and manage soil disturbances in the neighborhood; Asbestos Watch Area (“AWA”) is defined where residents are advised to consult with state or local officials before digging or demolition. The plan is designed to provide a network of professionals who can help residents identify and manage any risks of asbestos that might be buried on their property. Town planners would flag any projects in the zone for special attention. The AWA designation would appear in county land records, so any future buyers would be warned ahead of time of possible asbestos. It’s a form of notice that would not attach warnings and land use restrictions to individual deeds, both of which would require signed consent by each property owner.
16. All records related to the Expanded Site decisions. NCDEQ said, during the meeting, residents asked for more sampling over a larger area that was not tested in 2017. NCDEQ and EPA have expanded the asbestos-soil sampling area in the neighborhood surrounding the former Carolina Asbestos Company.
17. All records related to the EPA soil analytical results, the results provided to residents; EPA and/or NCDEQ communication with property owners and/or tenants about performing any further sampling and analysis and, if necessary, remove ACM or asbestos contaminated soil from those properties that have analytical results above the EPA risk-based, site-specific action level. The expanded sampling area may or may not be modified in the future based on results of this sampling effort.
18. Administrative Superfund site remediation cases that ensures responsible parties perform cleanup actions where they are liable or that otherwise contain any of the following words or phrases: “Superfund program” ? “Superfund enforcement” ? “Superfund remediation” ? “Superfund litigation” ? “Superfund case” ? “Site enforcement” ? “Site remediation” ? “Site litigation” ? “Enforcement spending” ?

As you know, FOIA requires agencies to release information unless it is specifically exempt from disclosure, and also requires agencies to release all reasonably segregable nonexempt portions of documents, i.e., to redact exempt portions of documents and release the rest. See 5 U.S.C. § 552(a)(8).

We agree to pay fees associated with this request; however, we would also like to request a waiver of all fees as the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of the actual government processes or activity. In order to help to determine our status for purposes of determining the applicability of any fees, you should know the interested parties are longevity native residents of the Town of Davidson, members of the Davidson African American Coalition, and the North Mecklenburg Communities United, both non-profit organizations. We are community leaders seeking information for community use and not for commercial use.

If there are any fees for searching or copying these records, please contact us if the cost will exceed \$250.00. If access to the records we are requesting will take longer than 20 business days, please contact us with information about when we might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law.

Thank you for your kind consideration to our request.

Sincerely,



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The Davidson African American Coalition  
North Mecklenburg Communities United  
State Senator Natasha Marcus, District 41  
Congresswoman Alma S. Adams, NC-12  
Senator Richard Burr, NC  
Senator Thom Tillis, NC